

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARABELLA FAIRCHILD,

No. 1:23-cv-0917 JLT GSA (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION FOR INJUNCTIVE
RELIEF

V.

VANG, et al.,

(Doc. 13)

Defendants

Arabella Fairchild seeks injunctive relief related to her prison trust account, asserting that funds from a settlement were wrongfully taken. (Doc. 9 at 2-3, 6.) The magistrate judge found the Court has no jurisdiction over the individuals she believes wrongfully took the funds at this time, because the matter has not been served. (Doc. 13 at 3.) Therefore, the magistrate judge found the “motion for injunctive relief must be denied at the outset,” and recommended the motion be denied. (*Id.* at 3, 6.)

The Court served the Findings and Recommendations on Plaintiff and notified her that any objections were due no later than February 20, 2024. (Doc. 13 at 6.) The Court advised Plaintiff that the failure to file objections by the ordered deadline may result in the waiver of rights on appeal. (*Id.* at 7, citing *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).) Plaintiff did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this case.

1 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
2 are supported by the record and proper analysis. Moreover, a plaintiff seeking an injunction must
3 show “he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the
4 absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction
5 is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Plaintiff
6 did not carry this burden. Thus, the Court **ORDERS**:

7 1. The Findings and Recommendations issued February 6, 2024 (Doc. 13) are
8 **ADOPTED** in full.
9 2. Plaintiff’s motion for an emergency preliminary injunction (Doc. 9) is **DENIED**.

10 IT IS SO ORDERED.

11 Dated: March 1, 2024


12 JENNIFER L. THURSTON
13 UNITED STATES DISTRICT JUDGE

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